/125 cont./

837 684 die, which complicates the situation gravely, because it brings the three clan groups into the picture: the woman's, the man's, and the lover's. In such cases, the payment usually falls on the group weakest both socially and economically, even though it may have lost one of its members, is least to blame, or has acted only in self-defense. If the lover is of low standing and dies, his relatives must pay the husband and the wife's relatives the amount established.

●586 837 If in any case of adultery the man possesses sufficient proof to accuse his wife, he can demand from her maternal relatives the return of the purchase price plus the indemnity considered just /126/ and the children they have had; if, on the other hand, the relatives can prove that before the adultery the man mistreated her, neither the payment nor the indemnity are justified, and with the return of one of the children of the marriage to the man, the whole matter is closed. At the same time the man loses his right to the woman, this being the only case of true dissolution of marriage.

Dissolution of marriage. 586 A Guajiro marriage can, in a way, be considered indissoluble. The woman who is bought according to the law of La Guajira is considered as the husband's personal property, property assured by the girl's relatives, who have received payment for her, and this restrains the girl from behaving in any way different from the traditional.

Proved adultery can be the cause of disuniting the pair, as we have just seen. In such a case, the offended husband demands the return of the payment made when he bought his wife, with which the tie is considered broken and the woman may abandon the home and return to her kin, losing the right to keep her children, who are of her blood and her family but in this case pass into the possession of the husband.

The lover, who cannot consider himself free of responsibility for the problem he has created, becomes, voluntarily or involuntarily, by the payment which he has to make to the woman's relatives, the husband of the woman accused of adultery.

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586 As we can see, the dissolution of marriage does not really apply to the woman, who is merely transferred from her legitimate husband to her lover through the payment for damages claimed by her maternal relatives.

Nowadays, if a Guajiro knows that another man covets one of his wives, he will make a friendly arrangement, as we have seen, through intermediaries for the interested party to pay a sum which will give him the right to take the woman as his legal wife. The price of this transfer is generally lower than that paid by the first husband, because it is felt that she has lost value complying with the sexual obligations owed to her first husband. One can even cite cases where a woman who has changed her husband three times by this system, without ever having a marriage dissolved or recovering her initial freedom. She is a chattel whose usufruct is always in force.

587 Neither does a married woman recover her freedom on the death of her husband, since she, as his private property, is subject to the general rules /127/ of inheritance and is passed on in accordance with them, first to her late husband's nephews, sons of his sister; lacking these, to the brothers of her husband through the maternal line; and lacking these, to the dead man's cousins, sons of a maternal aunt. This custom, rigorously observed until a short time ago, has been losing force and today is only effective when the widows are young and coveted by the legitimate heirs of the husband. The older widows refuse to comply with the law or simply are not forced to fulfill this obligation by the heirs. Many young widows of the present day escape from the legitimate heirs to places where they are not obliged to comply with the laws of inheritance and where they can remake their married life to their own convenience. The law, however, gives them a door of escape since it permits them, in cases where they do not wish to live with their husband's heirs, to pay the latter an indemnification.

588 A woman may free herself of her marriage obligations when she commits adultery because her husband mistreats her and makes

/127 cont./

586 home life impossible. If she can prove this, the law exempts the woman's relatives from returning the marriage payment and only obliges them to hand over one of the children of the marriage. In other words, the man's ill-treatment of the woman permits her to abandon the home and return to her maternal one. But in this case, as in any other in which customary law comes into play, it is necessary that the litigant party possess sufficient force to oblige the other party to comply with what is legal. If not, if the 586 offended one is completely in the right but lacks this force, he 565 will never manage to make his just claim effective. They tell of an infinite number of cases in which the acts of cruelty suffered by women of an inferior clan at the hands of their husbands are so grave that any one alone would be sufficient cause to dissolve the marriage through the return of the woman to her maternal home. But the maternal family of the husbands inhibited the women to such an extent that many of them, unable to offer any resistance, died at the hands of their husbands without the law -- so severe in cases in which blood is spilled -- being able to oblige the culprits to pay a suitable payment.

The demoralization which the Guajiro of lower class has suffered due to the different causes we have noted has weakened marriage ties to such a point that the woman considers her obligation broken when her husband emigrates, harrassed by the vital necessity to obtain something to feed himself and his family, or when she finds herself abandoned for a long number of years, in which case she /128/ goes away with whoever will satisfy her economic and biological needs, thus dissolving, if not by law at least by act, a tie which may not be broken by anything but her own society, and so breaking up slowly but dangerously the traditional culture of her community.

4: Petrullo E-5 (1935) 1937
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671 tween law and custom in Guajiro society by a variety of illustrations. One of them said in effect:

574 626 671 If a cacique visits me and I fail to kill a sheep in honor of his visit and to feast him in accordance with the dignity of his rank and my wealth, I have broken a custom of my people. However, though I offend him by such negligence my guest may take no action to redress the wrong other than to inflict the same discourtesy on me if the opportunity should arise. He may seek neither redress in violence nor composition in payment. My only punishment may be the acquisition of a bad name among my people.

586 671 684 But if I visit one of my wives at her rancho and she fails to kill a sheep from her own flocks to feast me, refuses me her person, neglects to supply me with hammocks, saddle-bags, and other articles made by women, or refuses me shelter, she will have broken a "law"; that is, she will have broken the marriage contract. In this case I may demand from her and her family payment or a divorce. In the latter case her family would have to return to me the bride-price plus any increase in the herds but less an amount considered *fair* for my having exercised sexual privileges over her, though I may demand even this if she marries again. In case her family refuses to adjust [626] the matter in accordance with our law I may appeal to my family for help in obtaining my just rights. I should be justified in having recourse to violence. However, the law is so well understood that it would not be necessary to resort to such drastic measures generally.[9]

671 [115] [177] These informants were acquainted to some extent with Colombian and Venezuelan laws and were attempting, no doubt, to classify their own customs in accordance with European practices. Nevertheless it is an indication that in their minds there does exist a class of offenses for which one may seek composition even through violence, and a class that is in the category of merely moral obligations though investigators may not always draw an equally fine distinction. [114] Simons, for example, in discussing Guajiro law speaks of injury to oneself as giving rise to a legal obligation for composition. 574 My informants, on the contrary, distinguished it from that class of wrongful acts. If a man cuts himself, his father and 626 father's relatives receive an expiatory offering. Had one of 672 my informants, the son of a rich cacique, cut himself he would 602 have given a small barrel of rum and five or more sheep to his

7:Bolinder T-5 (1920, 1955) 1957
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for her as much as will enable him to repay the cattle the clan laid out for him when he married. The amounts obtained for younger daughters are also distributed among the family in a certain way. Payment of the bride-price confers a number of benefits. During the first year the newly married couple usually live as the guests of the bride's family. As has been said, the husband has the right to use the land owned by his wife's clan. The bride always brings a dowry in the form of ornaments and household utensils, often of cattle as well. The husband must look after the cattle, unless, as happens, the girl's family sends its own herdsman to see to them. The bride usually provides all the furnishings of the huts, as well as materials, hammocks and other textiles.

These advantages offset the bride-price to a quite considerable extent. The husband knows, too, that his wife's relations will keep an eye on her when he is away, for if she betrays him, he can return her to her family and require refund of the bride-price and payment of compensation. Thus the bride-price also acts as a guarantee against a grass widow kicking over the traces.

If the husband does not fulfil his duties, or if he treats his wife badly, her family can take her back without returning the bride-price. After that the man will naturally get no help from his clan, if he wishes to get himself another wife.

It is not always possible for the groom and his relations to pay all the bride-price immediately. In such cases it is possible to pay by instalments. The groom pays a large proportion of the price when the bride is handed over to him. If he is unable to pay the balance at the time fixed, he must give the girl back, losing what he has already paid. The girl is now less valuable in the marriage market, being second-hand, so to speak. The man is made to pay for the time he has had her and thereby makes up for the lower price she can command, if a new suitor turns up. According to this principle a seducer must pay compensation to the family of the girl he has seduced. It sometimes happens that a couple fall in love and the parents approve, but the young

water but is given an herbal purgative. Her hair is cut short. Generally 581
several of her relatives stay around the door of the hut, and strangers and men with an eye to matrimony may look in. During this period the girl is taught the duties of married life and such skills as weaving, sewing, and making hammocks. When she emerges, stout and bleached, a special festival is held, when she removes her ornaments and puts on the adult clothes that she has made during her confinement. She is now considered marriageable. The length of her confinement depends on her status, though theoretically it lasts until her hair again reaches the nape of her neck. Poor girls are secluded only a few weeks, rich girls up to 2 years. [554 556]

Sexual life and marriage.—Little is known about the sexual life of the *Goajiro*. A certain amount of promiscuous love making occurs among the young people at the biweekly festivals. Dances also provide an opportunity for sexual advances. 536

There are some male transvestites who carry on only female activities 538
and are ridiculed by the men.

When a man desires to marry he sends his father or uncle as intermediary, then pays a bride price which has been set by the girl's relatives. 584 583
The payment is usually in cattle, but goats, pearls, liquor, cotton cloth, 602
and gold ornaments also are used. The father retains the purchase price only when his first daughter marries; the income of subsequent marriages goes to the girl's senior maternal uncles. The mother also receives part of the income. A son obtains the cattle for the bride payment from the increase of his father's herds.

Intermarriage between the sibs is frequent, and many of the *Goajiro* 582
give their daughters to "civilizados" from Maracaibo and Rio Hacha, who pay higher prices and find such a tie with the Indians useful in their trading relations.

The marriage ceremony consists of a series of feasts and exchanges of 585
presents between the two families. The wedding night is spent at the [531]
residence of the bride's mother, but the nuptial hammock (specially woven by the female relatives of the bride) is hung from a tree some distance away from the house. For a period of days and even months the bridegroom leaves his bride at dawn and returns only after sunset. In [606]
this way the groom shows respect to his mother-in-law.

Polygyny is general. The number of wives depends on the economic 595
status of the husband, some men having as many as 20. Each wife lives in her own house, where her husband occasionally visits her. The man, as head of the polygynous household, supervises the daily slaughter of [592]
animals and the distribution of meat and corn to each household according to the number of its members.

If a wife shirks her domestic duties she may be divorced and her hus- 586
band may claim the return of the bride price cattle, plus their increase and

8:Armstrong & Métraux E-4 (no date) 1948
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584 minus an amount considered equivalent for the sexual right he had exer-
845 cised. If a woman dies in her first childbirth the husband may demand
583 the full return of the bride price (Simons, 1885, p. 792, however, states that the wife's relatives demand compensation from the husband).
584 Adultery entails divorce with full return of the bride price. It rarely
837 occurs, however, as the wife will be treated badly by her own relatives.
587 At his death a man's wives are inherited by his brother, and next by his
768 sister's sons; the women may avoid this by making a payment equivalent
184 to their bride price. If he is of the Catholic faith his children may claim to be his legal heirs, which leads to conflict with the maternal nephews. (See Social Organization, p. 374.)

562 The influence of women in political affairs is sometimes noticeable.
622 There are cases of female chiefs, and women are respected enough so as to be able to intervene and stop brawls.

764 **Death.**—Funerals are accompanied by festivities which last days or even
558 weeks, according to the wealth of the family. There are some differences
184 in the funeral ceremonies which are apparently associated with the particular siba. These funeral feasts afford the best opportunity for display of wealth, and more than 1,000 head of livestock may be butchered. Every mourner who comes to the feast contributes animals for slaughter and continues to do so as long as he cares to remain. After the mourning period, marked by weeping and lamenting interspersed with drinking and feasting, the corpse, which has lain in a hammock slung from the rafters,
787 is sewn up in hides by the women (men may not touch a dead body) and carried to the cemetery of the tribe. For a year or so, the body may be temporarily consigned to a shallow grave marked by a pile of stones. Food and drink are often placed in the grave, and, if the deceased had been
764 a warrior, his bows and arrows are put in. A year or two later the bones
765 are exhumed and reburied in a large urn. The exhumation is generally done at night and is accompanied by a feast. The remains are carried in a funeral procession to the dead person's birthplace, where they are buried in the family's own cemetery. The funeral urn is placed in a vertical position with the narrow neck of the jar protruding above ground to permit the free entry and exit of the spirit and to allow the remains of other members of the family to be added from time to time. A cactus hedge surrounds the cemetery, and in wet weather half a calabash is placed over the opening of each jar to keep out the rain. Whenever two relatives of a recently deceased person meet, they bow to the ground, shouting and groaning, for several minutes. (For a slightly different account of the burial of a rich man, see Simons, 1885, p. 792.)

761 If a person is stricken with smallpox the whole tribe moves away, only
766 the family of the sick person remaining. When the death occurs they bury the body below the floor and burn the hut over the grave.